

REMARKS

In response to the Office Action mailed March 8, 2005, Applicant amends his application and requests reconsideration. No claims are added or cancelled in this Amendment. Therefore, claims 1-6 remain pending. Claims 2, 4, and 6 were stated to be allowable if rewritten in independent form.

The Examiner requested that a prior art label be added to Figure 10. It is proposed to add to Figure 10 the label "Background Art". Figure 10 represents the inventor's own work and he advises that this work has not been widely disclosed to the public. Therefore, it is believed that Figure 10 is not "prior" art. A replacement drawing sheet is enclosed.

Claims 1, 3, and 5 were objected to as informal and were also rejected as indefinite. With respect, it appears that the Examiner has not examined the claims that were presented for examination in this patent application. This error, which is very frequently occurring within the U.S. Patent and Trademark Office, is a result of the institution of the Image File Wrapper (IFW) procedure. In preparing the IFW, the U.S. Patent and Trademark Office separates the claims from the original application and enters those claims as one paper in the IFW. Likewise, when, as in this instance, a Preliminary Amendment is filed simultaneously with the patent application, the claims in the Preliminary Amendment are separated from the other parts of the Preliminary Amendment and entered as a separate paper in the IFW. Therefore, Examiners are presented with two different sets of claims in the IFW. Examiners are repeatedly examining not the claims amended, but the claims of the original patent application. It is apparent here, for example, by comparing claim 1 of the Preliminary Amendment with claim 1 of the original patent application and the comments in the Official Action concerning claim 1, that the wrong claim 1 has been examined. Therefore, Applicant respectfully requests re-examination, as if on first action, of the claims that were actually presented for examination. Consultation of the IFW on the PAIR system confirms that the Preliminary Amendment and the amended claims are present in the IFW.

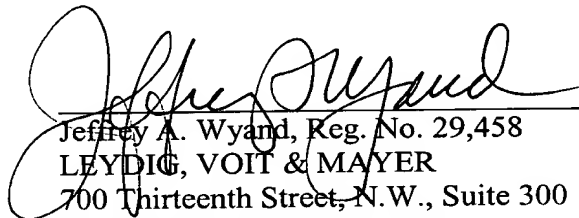
A review has been made of the comments in the Office Action. The only comments in the objections to and of the claims 1, 3, and 5 that pertain to the claims presented for examination concern the definition of the well-known term "AM". The preambles of each of those three independent claims have been amended to include that definition.

Since there was no prior art rejection with regard to any claim, claims 2, 4, and 6 were indicated to be allowable, and the claim objections and rejections are moot, with the exception of the non-substantive amendment made here, reconsideration and prompt

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allowance of the claims presented for examination, as amended here, are earnestly solicited. Any new Office Action cannot properly be a final rejection because the claims presented for examination were not examined, no substantive amendment is made here, and there was no prior art rejection.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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JAW/tps

Amendment or ROA - Regular (Revised 1-14/05)

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DRAWING AMENDMENT

The attached sheet includes changes to Figure 10 to which a background art label has been added.

Attachment: Replacement Sheet(s)